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**HOUSE BILL 1550**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse, and Doglio

AN ACT Relating to assisting eligible children in need of additional preparation to be successful in kindergarten by replacing transitional kindergarten with a legislatively established and authorized transition to kindergarten program; amending RCW 28A.225.160, 43.216.085, and 43.216.655; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that high quality early learning is the best way to ensure children have the social-emotional skills and other skills they need to enter kindergarten ready to learn. Unfortunately, too many children across the state do not have access to high quality early learning.

(2) The legislature recognizes that the early childhood education and assistance program, the state's preschool program, is expanding and will become an entitlement for eligible children in the year 2026. The fair start for kids act, enacted in 2021 by Washington state, is helping to expand access to more affordable, high quality child care and early learning and federal early learning programs serve thousands of families across the state.

(3) However, the legislature finds that these early learning programs do not yet reach all families in need. As a result, there are children about to enter kindergarten who need an opportunity for high quality preschool in order to be successful kindergarten students in the following school year. Some school districts have attempted to address this gap by creating transitional kindergarten programs funded with state basic education allocations. However, not all transitional kindergarten programs meet the high quality age-appropriate early learning standards that other state-funded early learning programs are required to meet.

(4) Therefore, the legislature intends to establish a transition to kindergarten program that meets early learning standards in lieu of transitional kindergarten programs and to help fill in gaps in access to high quality early learning for eligible children. The legislature intends to provide state funding, which is separate from the state basic education allocation, for the transition to kindergarten program so that it can be offered at no charge to eligible students, and to prohibit the use of state basic education allocations for this program. The legislature also intends to: Require that the early learning ecosystem work together; promote coordinated systems of comprehensive early learning services; maximize efficient use of state, federal, and local resources; and ensure that children and families get the early learning services they need in the most appropriate setting.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) The superintendent and the secretary shall administer, in partnership, the transition to kindergarten program to assist eligible children in need of additional preparation to be successful kindergarten students in the following school year.

(b) The program that is authorized, administered, and funded in accordance with this section and section 3 of this act is not part of the state's instructional program of basic education under RCW 28A.150.220.

(2) The administrative responsibilities of the superintendent for the program are specified in this section. The administrative responsibilities of the secretary for the program are specified in section 3 of this act.

(3) The superintendent shall adopt rules under chapter 34.05 RCW for the authorization of, the administration of, and allocation of state funding for the transition to kindergarten program. At a minimum, these rules must:

(a) Limit program authorization to school districts and limit program sites to common schools;

(b) Prohibit authorized school districts from charging tuition or other fees for enrollment in a program;

(c) Require, through an application process, a school district to:

(i) Specify the number and location of program sites the school district is applying for and the intended number of eligible children to be served at each site;

(ii) Describe the screening process or other instruments that the school district will use to individually determine whether an eligible child has a developmental delay or otherwise needs additional preparation to be successful in kindergarten in the following school year. Eligible children who are on the waitlist for early childhood education and assistance program sites are not required to be screened; and

(iii) Outline its plan for coordinated recruitment and enrollment with other early learning program providers;

(d) Require a period of one year between application submission and operation of a program site, during which the authorized school district must prepare for compliance with rules adopted by the secretary under section 3 of this act;

(e) Describe the process, established in partnership with the department of children, youth, and families, for approving an applicant's prospective program and program sites in coordination with the planned expansion of the early childhood education and assistance program, as well as the process for approving the intended number of eligible children served by state funds at each prospective program site. The goal of these processes is to distribute prospective sites and slots across communities in an equitable and effective manner;

(f) Prohibit authorized school districts from establishing a policy of excluding an eligible child due only to the presence of a disability;

(g) Require authorized school districts to avoid adversely impacting enrollment in other high quality early learning programs by using the coordinated recruitment and enrollment plan to prioritize eligible children for enrollment in the following order:

(i) Eligible children on the waitlist for, but not scheduled for enrollment in, an early childhood education and assistance program site; then

(ii) Eligible children who:

(A) Have been individually determined through a screening process or other instruments to have a developmental delay or otherwise need additional preparation to be successful in kindergarten in the following school year;

(B) Have not participated in a formal early learning program; and

(C) Who are in a household with an income of up to 100 percent of the state median income, adjusted for household size;

(h) Limit allocations to authorized school districts to an amount per enrolled eligible child, specified in the omnibus operating appropriations act, that is no more than the amount per child provided to early childhood education and assistance program providers providing the equivalent number of instructional hours;

(i) Require authorized school districts to apply for reapproval at least every five years; and

(j) Provide at least one year of notice if an authorized school district or approved program site will be discontinued or otherwise not provided with state funding.

(4) The office of the superintendent of public instruction has administrative responsibility for:

(a) Submitting to the legislature by each December 1st a report on the number of eligible children served by authorized school districts in the current school year and, based on information in the current year's applications, the estimated number of eligible children that authorized school districts intend to serve in the following school year;

(b) Subject to the availability of amounts appropriated for this specific purpose, authorizing and allocating state funding to school districts to provide a program at approved program sites, in compliance with the rules established under subsection (3) of this section. For the 2024-25 school year, allocations must be prioritized to authorized school districts that offered a transitional kindergarten program, as defined in section 5 of this act, as of the effective date of this section;

(c) Collaborating with the secretary to provide technical assistance to support program improvements and to monitor the quality of program sites, including verification that teachers staffing program classrooms hold a valid Washington teacher certificate with either an early childhood education endorsement or an early childhood special education endorsement; and

(d) Directing authorized school districts to work in collaboration with early learning partners to promote coordinated systems of comprehensive early childhood services.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Common school" has the same meaning as in RCW 28A.150.020.

(b) "Eligible child" means a child who turns five years old between September 1st of the year of admission to the program and the following June 30th, who does not have access to participate in a federal or state program providing high quality early learning services, and who either:

(i) Is on the waitlist for, but not scheduled for enrollment in, an early childhood education and assistance program; or

(ii)(A) Has been individually determined through a screening process or other instruments to have a developmental delay or otherwise needs additional preparation to be successful in kindergarten in the following school year; (B) has not participated in a formal early learning program; and (C) is in a household with an income of up to 100 percent of the state median income, adjusted for household size.

(c) "Program" means the transition to kindergarten program established in this section.

(d) "Secretary" means the secretary of the department of children, youth, and families.

(e) "Superintendent" means the superintendent of public instruction.

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

(1) The secretary shall adopt rules under chapter 34.05 RCW for the administration of, the quality of, and standards for the transition to kindergarten program established under section 2 of this act. At a minimum, these rules must:

(a) Require that school districts authorized to provide a transition to kindergarten program participate in the early achievers program established under RCW 43.216.085;

(b) Subject school districts authorized to provide a transition to kindergarten program to the licensing standards established under RCW 43.216.255;

(c) Require transition to kindergarten program sites to use developmentally appropriate curricula; and

(d) Require that each classroom in a transition to kindergarten program be staffed with a teacher who holds a valid Washington teacher certificate with either an early childhood education endorsement or an early childhood special education endorsement.

(2) The department has administrative responsibility for:

(a) Monitoring the quality of transition to kindergarten program sites and providing technical assistance to support program improvements;

(b) Partnering with the superintendent of public instruction to establish a process for transition to kindergarten program applicant's prospective program sites in coordination with the planned expansion of the early childhood education and assistance program, as well as a process for approving the intended number of eligible children served by state funds at each future transition to kindergarten program site. The goal of these processes is to distribute future sites and slots across communities in an equitable and effective manner; and

(c) Directing early learning providers to work in collaboration with school districts authorized to provide a transition to kindergarten program to promote coordinated systems of comprehensive early childhood services.

NEW SECTION. **Sec.**  (1) The superintendent of public instruction and the secretary of the department of children, youth, and families shall jointly develop and implement a conversion plan to assist school districts that offer a transitional kindergarten program, as of the effective date of this section, to be authorized to provide a transition to kindergarten program under section 2 of this act. The plan must include a process for coordinating approval of future sites and slots for the transition to kindergarten program and the early childhood education and assistance program. The goal of the process is to distribute future sites and slots across communities in an equitable and effective manner.

(2) Rules may not be adopted under section 2 or 3 of this act until the superintendent and the secretary have developed and commenced implementation of the conversion plan required by this section.

(3) This section expires June 30, 2026.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) By October 1, 2023, school districts and charter schools offering a transitional kindergarten program on the effective date of this section must submit a report to the office of the superintendent of public instruction that describes the screening process or other instruments used to determine whether an individual child needs additional preparation to be successful in kindergarten the following school year.

(2) By August 31, 2024, school districts and charter schools must cease operation of transitional kindergarten programs and may no longer report transitional kindergarten students as kindergarten students for purposes of receiving basic education allocations under RCW 28A.150.250.

(3) As used in this section, "transitional kindergarten program" means an instructional program, based on kindergarten standards rather than developmentally appropriate early learning standards, for children below the age of five who do not have access to high quality early learning experiences prior to kindergarten, and who have been deemed by a school district or charter school, through a screening process or other instrument, to be in need of additional preparation to be successful in kindergarten the following year.

**Sec.**  RCW 28A.225.160 and 2009 c 380 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than ((~~twenty-one~~)) 21 years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birthdate requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. Beginning with the 2024-25 school year, rules providing for exceptions to the uniform entry qualifications for kindergarten must limit early kindergarten admission to children who are likely to be successful in kindergarten as demonstrated through the whole-child assessment of the Washington kindergarten inventory of developing skills.

(2) A student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of the student when attending school in the sending state as defined in Article II of RCW 28A.705.010, regardless of age or birthdate requirements.

**Sec.**  RCW 43.216.085 and 2021 c 304 s 6 are each amended to read as follows:

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers, family home child care, outdoor nature-based child care, and early learning programs such as working connections child care ((~~and~~)), early childhood education and assistance programs, and transition to kindergarten programs.

(2) The objectives of the early achievers program are to:

(a) Improve short-term and long-term educational outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs;

(c) Support improvement in early learning and child care programs throughout the state;

(d) Increase the readiness of children for school;

(e) Close the disparities in access to quality care;

(f) Provide professional development and coaching opportunities to early child care and education providers; and

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

(3)(a) Licensed or certified child care centers, family home child care, and outdoor nature-based child care, serving nonschool-age children and receiving state subsidy payments, must participate in the early achievers program by the required deadlines established in RCW 43.216.135.

(b) Approved early childhood education and assistance program providers receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW 43.216.515.

(c) School districts authorized to provide a transition to kindergarten program under section 2 of this act must participate in the early achievers program by the required deadlines established for child care providers serving nonschool-age children and receiving state subsidy payments in RCW 43.216.135.

(d) Participation in the early achievers program is voluntary for:

(i) Licensed or certified child care centers, family home child care, and outdoor nature-based child care, not receiving state subsidy payments; and

(ii) Early learning programs not receiving state funds.

((~~(d)~~)) (e) School-age child care providers are exempt from participating in the early achievers program. By July 1, 2017, the department and the office of the superintendent of public instruction shall jointly design a plan to incorporate school-age child care providers into the early achievers program or other appropriate quality improvement system. To test implementation of the early achievers system for school-age child care providers the department and the office of the superintendent of public instruction shall implement a pilot program.

(4)(a) There are five primary levels in the early achievers program.

(b) In addition to the primary levels, the department must establish an intermediate level that is between level 3 and level 4 and serves to assist participants in transitioning to level 4.

(c) Participants are expected to actively engage and continually advance within the program.

(5) The department has the authority to determine the rating cycle for the early achievers program. The department shall streamline and eliminate duplication between early achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing.

(a) Early achievers program participants may request to be rated at any time after the completion of all level 2 activities.

(b) The department shall provide an early achievers program participant an update on the participant's progress toward completing level 2 activities after the participant has been enrolled in the early achievers program for fifteen months.

(c) The first rating is free for early achievers program participants.

(d) Each subsequent rating within the established rating cycle is free for early achievers program participants.

(6)(a) Early achievers program participants may request to be rerated outside the established rating cycle. A rerating shall reset the rating cycle timeline for participants.

(b) The department may charge a fee for optional rerating requests made by program participants that are outside the established rating cycle.

(c) Fees charged are based on, but may not exceed, the cost to the department for activities associated with the early achievers program.

(7)(a) The department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The licensing history that the department must provide for parents and caregivers pursuant to this subsection shall only include license suspension, surrender, revocation, denial, stayed suspension, or reinstatement. No unfounded child abuse or neglect reports may be provided to parents and caregivers pursuant to this subsection.

(b) The department shall publish to the department's website, or offer a link on its website to, the following information:

(i) Early achievers program rating levels 1 through 5 for all child care programs that receive state subsidy, early childhood education and assistance programs, transition to kindergarten programs, and federal head start programs in Washington; and

(ii) New early achievers program ratings within thirty days after a program becomes licensed or certified, or receives a rating.

(c) The early achievers program rating levels shall be published in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(d) The department must publish early achievers program rating levels for child care programs that do not receive state subsidy but have voluntarily joined the early achievers program.

(e) Early achievers program participants who have published rating levels on the department's website or on a link on the department's website may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(8)(a) The department shall create a professional development pathway for early achievers program participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers program participants with the costs associated with obtaining an educational degree.

(c) The department shall address cultural and linguistic diversity when developing the professional development pathway.

(9) The early achievers quality improvement awards shall be reserved for participants offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy.

(10) In collaboration with tribal governments, community and statewide partners, and the early achievers review subcommittee created in RCW 43.216.075, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) The department may grant extensions only under exceptional circumstances, such as when early achievers program participants experience an unexpected life circumstance.

(b) Extensions shall not exceed six months, and early achievers program participants are only eligible for one extension in meeting rating level requirement timelines.

(c) Extensions may only be granted to early achievers program participants who have demonstrated engagement in the early achievers program.

(11)(a) The department shall accept national accreditation that meets the requirements of this subsection (11) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.

(c) Licensed child care centers, child care home providers, and outdoor nature-based child care must meet national accreditation standards approved by the department for the early achievers program in order to be granted credit for the early achievers program standards. Eligibility for the early achievers program is not subject to bargaining, mediation, or interest arbitration under RCW 41.56.028, consistent with the legislative reservation of rights under RCW 41.56.028(4)(d).

(12) The department shall explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

(13) A child care or early learning program that is operated by a federally recognized tribe and receives state funds shall participate in the early achievers program. The tribe may choose to participate through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty. The interlocal agreement must provide that:

(a) Tribal child care facilities and early learning programs may volunteer, but are not required, to be licensed by the department;

(b) Tribal child care facilities and early learning programs are not required to have their early achievers program rating level published to the department's website or through a link on the department's website; and

(c) Tribal child care facilities and early learning programs must provide notification to parents or guardians who apply for or have been admitted into their program that early achievers program rating level information is available and provide the parents or guardians with the program's early achievers program rating level upon request.

(14) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(15) Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs under RCW 41.56.028(4)(d).

**Sec.**  RCW 43.216.655 and 2019 c 369 s 7 are each amended to read as follows:

(1) The education data center established in RCW 43.41.400 must collect longitudinal, student-level data on all children attending an early childhood education and assistance program. Upon completion of an electronic time and attendance record system, the education data center must collect longitudinal, student-level data on all children attending a working connections child care program. Beginning September 1, 2024, the education data center must collect longitudinal, student-level data on all children attending a transition to kindergarten program authorized under section 2 of this act. Data collected should capture at a minimum the following characteristics:

(a) Daily program attendance;

(b) Identification of classroom and teacher;

(c) Early achievers program quality level rating;

(d) Program hours;

(e) Program duration;

(f) Developmental results from the Washington kindergarten inventory of developing skills in RCW 28A.655.080; and

(g) To the extent data is available, the distinct ethnic categories within racial subgroups of children and providers that align with categories recognized by the education data center.

(2) The department shall provide early learning providers student-level data collected pursuant to this section that are specific to the early learning provider's program. Upon completion of an electronic time and attendance record system identified in subsection (1) of this section, the department shall provide child care providers student-level data that are specific to the child care provider's program.

(3) The department shall review available research and best practices literature on cultural competency in early learning settings. The department shall review the K-12 components for cultural competency developed by the professional educator standards board and identify components appropriate for early learning professional development.

(4)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining relationships between the early achievers program quality ratings levels and outcomes for children participating in subsidized early care and education programs.

(b) The institute shall submit the first report to the appropriate committees of the legislature and the early learning advisory council by December 31, 2019. The institute shall submit subsequent reports annually to the appropriate committees of the legislature and the early learning advisory council by December 31st, with the final report due December 31, 2022. The final report shall include a cost-benefit analysis.

(5) By December 31, 2021, and subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall update the outcome evaluation of the early childhood education and assistance program required by chapter 16, Laws of 2013 and report to the governor and the legislature on the outcomes of program participants. The evaluation must include the demographics of program participants including race, ethnicity, and socioeconomic status. The evaluation must examine short and long-term impacts on program participants, including high school graduation rates for up to two cohorts. When conducting the evaluation, the institute must consider, to the extent that data is available, the education levels and demographics, including race, ethnicity, and socioeconomic status, of early childhood education and assistance program staff and the effects of full-day programming and half-day programming on outcomes.

**--- END ---**